

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Koichi Sato, et al. **Docket:** 10309
Reissue of Patent No.: 5,933,392
Issued: August 3, 1999
For: ELECTRONIC WATCH

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

**DECLARATION IN SUPPORT OF
REISSUE UNDER 37 C.F.R. § 1.175**

Sir:

We, the undersigned inventors, declare and state as follows:

1. We are citizens of Japan, with our post office address and citizenship being stated hereinbelow next to each of our names.
2. We are the co-inventors of the subject matter which is described and claimed in U.S. Patent No. 5,933,392 ("392 patent") and described and claimed in the above-identified reissue application.
3. We do not believe that the subject matter described and claimed in the '392 patent or the reissue application was ever known or used in the United States before our invention thereof.
4. We believe that we are the original and first inventors of the subject matter which is claimed in the '392 patent and in the above-identified reissue application, for which a reissue patent is sought.

5. We have reviewed and understand the contents of the specification and claims of the '392 patent and the specification and claims of the above-identified reissue application.

6. We believe that the '392 patent is partly inoperative or invalid by reason of the patentee claiming less than the patentee had a right to claim in the patent because of an error in said patent, which error is described hereinbelow.

7. All errors which are being corrected in the present reissue application up to the filing of this Declaration arose without any deceptive intention on our part by reason of claiming less than there was a right to claim in the patent.

8. Specifically, the following errors are believed to have been made in the '392 patent.

9. Independent claim 1 is considered to be too narrow in specifying a "means for detecting a control condition in said drive circuit control means", a "second non-proper condition detecting means" and a "second instructing means", particularly when considering the overall descriptions and explanations in the original specification.

10. The applicant believes that the basic invention could be implemented without those terms because the "means for detecting a control condition in said drive circuit control means" is only shown as a common block 409 which comprises a non-proper condition detecting means in block 410 and an instructing means for instructing a change of a control mode in block 411. Furthermore, the "second non-proper condition detecting means" and the "second instructing means" are shown in a very specific embodiment of the present invention. However, the basic technical concepts of the present invention can be implemented by using only one non-proper condition detecting means and only one

instructing means. The one instructing means could change a control mode whereby "the instructing means for instructing a change of a control mode which instructs said drive control means to change the currently executed control mode instructed by said second non-proper condition detecting means, to the original control mode when no non-proper condition of said drive motor has not been detected within said predetermined period", as recited in issued claim 1 (of the granted '392 patent).

11. The specification is clear that the control condition detecting means 409 comprises both the non-proper condition detecting means 410 and the control mode change instructing means 411. The specification contains explanations on the functions and operations of both the non-proper condition detecting means 410 and the control mode change instructing means 411, but other than that, the specification has no additional specific explanation on the functions and operation of the control condition detecting means 409. Thus, an electronic watch of the present invention can be substantially and directly controlled by both a non-proper condition detecting means 410 and a control mode change instructing means 411, and does not require a separate control condition detection means 409.

Further, Fig. 15 is one embodiment of the present invention, and the explanations thereon on page 68, lines 10 to 17 of the original specification do not refer to a control condition detecting means 409. The electronic watch is controlled only by a first detecting means 630 corresponding to the non-proper condition detecting means 410, and a first load compensation controlling circuit 620 corresponding to the control mode change instructing means 411.

Thus, the original specification teaches that the electronic watch can be controlled by both the non-proper condition detecting means 410 and the control mode change instructing means 411.

12. Regarding the recitations in issued claim 1 of the “second non-proper condition detecting means”, and the “second instructing means”, issued claim 18 clearly suggests the above-mentioned broader scope of the present invention. A broader scope is also supported by the explanations on page 96, lines 5 to 19 of the original specification, which provide clear support for new claim 24.

13. Dependent claim 25 is broadly derived from the first part of issued claim 7.

14. Dependent claim 26 is broadly derived from the second part of issued claim 6 and claim 7.

15. Dependent claim 27 is broadly derived from issued claim 20, except for the means for detecting a control condition, and also avoids using several explanatory terms so as to broaden the scope of claim 27.

16. Dependent claim 28 corresponds substantially to issued claim 1, except for the means for detecting a control condition.

17. Independent claim 6 corresponds to issued claim 10, which was considered to be too narrow in specifying several unnecessary limitations, including the above-mentioned “means for detecting a control condition” and “a driving motor which comprises a first and a second driving motors”.

Claim 29 deletes these terms to broaden the scope of claim 29.

18. Dependent claims 30 and 31 correspond respectively to issued claims 13 and 14.

19. Dependent claim 32 clearly follows issued claim 10.

20. Independent claim 33 corresponds to issued claim 8, which was considered to be too narrow in specifying several unnecessary limitations, including the above-mentioned "means for detecting a control condition" and "a driving motor which comprises a first and a second driving motors".

Independent claim 33 deletes these terms to broaden the scope of claim 33.

21. Independent claim 34 corresponds substantially to issued claim 8, except for the means for detecting a control condition and the driving pulse generating means which can generate several different kinds of driving pulses.

22. Dependent claim 35 reflects issued claims 6, 7, 10, 19 and 21, and is supported by several examples in the original specification.

23. Dependent claim 36 corresponds substantially to issued claim 9, except for a first driving motor.

Issued claim 9 of the granted patent '393 is considered to be too narrow in specifying that the first driving means includes components of the driving motor comprising both a first driving motor and a second driving motor.

In claim 36, the limitation of "a first and a second driving motors" has been deleted so as to broaden the scope of claim 36.

24. Dependent claim 37 corresponds substantially to issued claim 15, except for the combination of pulse generating circuits as specified by issued claim 15 in which a driving pulse generating circuit comprises one of eight pulse generating circuits.

New claim 37 specifies that the driving pulse generating circuit comprises at least one driving pulse circuit selected from six driving pulse circuits to broaden the scope of claim 37.

25. Dependent claim 38 corresponds substantially to issued claim 16.

26. Dependent claim 39 corresponds substantially to issued claims 17 and claim 18.

27. Dependent claims 36-42 correspond substantially to issued claims 3 to 5.

28. Dependent claim 43 corresponds substantially to issued claim 22, but omits the characteristic of a battery to be used in the present invention.

29. Dependent claim 44 corresponds substantially to issued claim 23, and is supported in the original specification at page 27, lines 20 to 27.

30. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56.

31. We hereby claim the right of Foreign priority in connection with Title 35 U.S.C. § 119 from Japanese Patent Application Nos. 241360/1995, 241364/1995 and 256057/1995, certified copies of which were submitted in the application which matured into the '392 patent

32. We hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Stephen D. Murphy, Reg. No. 22,002; Leopold Presser, Reg. No. 19,827; William C. Roch, Reg. No. 24,972; Kenneth L. King, Reg. No. 24,223; Frank S. DiGiglio, Reg. No. 31,346; Paul J. Esatto, Jr., Reg. No. 30,749; John S. Sensny, Reg. No. 28,757; Mark J. Cohen, Reg. No. 32,211; Richard L. Catania, Reg. No. 35,608; Edward W. Grolz Reg. No. 33,705.

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33. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: February 13, 2001

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